



FREMONT PLANNING BOARD

March 12, 2008

Meeting Minutes

Approved March 19, 2007

Present: Chairman Roger Barham, Co-Chair and CC Rep. Jack Karcz, Members Leon Holmes, Jr., John (Jack) Downing, Building Official Thom Roy, RPC Circuit Rider David West and Land Use AA/Recording Secretary Meredith Bolduc.

Mr. Barham called the meeting to order at 7:05 pm.

MINUTES

The minutes of the February 27, 2008 meeting were not addressed as there were not enough Members present who were at that meeting. They will be addressed at the next meeting.

ROBERT & MARGARET BARTLEY

Map 2 Lot 072 & 072-001

Mr. Barham reported that the Board has received an application for a Voluntary Lot Merger for property located at Map 2 Lots 072 and 072-001 from owners Robert and Margaret Bartley as per NH RSA 674:39-a Voluntary Merger. Mrs. Bolduc related that the Bartley's could not be present due to a medical issue.

Robert F. Bartley is listed as the owner of both properties and Margaret B. Bartley's name is also on the parcel at Map 2 Lot 072. Town Counsel has confirmed that this is acceptable for this lot merger. The deed book and page numbers for each parcel are correct. The application is signed by the Bartley's and their legal counsel Lawrence A. Buswell, Jr., Esquire. It was the consensus of the Board that this lot merger would not create a violation of the current Fremont Zoning Ordinance or Subdivision Regulations.

Mr. Karcz made the motion to direct Mr. Barham to sign the application for a Voluntary Lot Merger for Robert F. and Margaret B. Bartley for property located at Map 2 Lots 072 and 072-001.

Motion seconded by Mr. Holmes with unanimous favorable vote.

This application will be forwarded to the Board of Selectmen for their approval and signature and then recorded at the Rockingham Registry of Deeds.

BLACK ROCKS VILLAGE

Map 3 Lot 015-1

Black Rock Subdivision (Lewis Builders) –Site Visit; sidewalks vs. walking trails

Mr. Barham conveyed to the Board that on Saturday March 8, 2008 he and Jack Karcz visited Maplevale Farms in East Kingston and Angle Pond Woods in Hampstead, two existing subdivisions that Lewis Builders has developed. He noted that he tried to contact Jack Downing to go with them, but to he could not be reached.

Mr. Barham related that these site visits were the result of Lewis Builders request, at the February 27, 2008 Planning Board meeting, to be allowed to substitute traditional sidewalks previously approved for the Black Rock's Village elderly living project, for footpaths (of equal length) through wooded areas of the development. The purpose of the site visit was to bring back information to help the Board formulate an opinion as to the Developer's proposal and to act accordingly.

Mr. Barham added that this request was made based on Mr. Lewis's practical experience with residences at other similar subdivisions. Maplevale Farms in East Kingston has traditional sidewalks, and Angle Pond Woods in Hampstead has footpaths through the woods. The developer had concluded that residents value the footpaths over sidewalks. They were not primarily concerned that sidewalks be cleared of snow, but were very particular that the wooded footpaths be maintained. Based on this the Developer, Peter Lewis, has asked that the Board consider a revision to the approved Black Rocks Village plans. Maplevale Farm is a more traditional subdivision and consists of a number of private side roads off a state adopted road with all the housing units located on the private side roads which are mainly cul-de-sacs. Sidewalks are located approximately 3' off one side of the private roads. There is also a sidewalk located on one side of the state highway which links all development side roads. Mr. Barham related that it was confirmed that the sidewalks were not maintained in the private side roads, but was maintained along the state highway. A number of residents were interviewed. They stated that by choice they walk the sidewalks, but during the winter months when the sidewalks are covered with snow (including additional accumulation from the road plow), they are prepared to walk along the private roads instead to avoid additional plowing charges. Walking along the state highway was not an issue because it was state/town maintained and not at the residents expense.

Mr. Barham and Mr. Karcz reported that Angle Pond Woods is an Open Space type development with clusters of housing units located on minor cul-de-sacs spread out through the subdivision, connected by a private road which has access at both ends. There are no sidewalks along the roads, but there are footpaths (some though wooded areas) that interconnect a number of the housing clusters. It was noted that the footpaths were maintained. As this subdivision is still under construction there is a question of whether the maintenance of the road/footpath has been transferred to the residents. It was not possible to interview any of the residence.

Based on the report of the site visit, a number of general conclusions were drawn by the Board:

1. The residence value sidewalk/footpaths as a means to walk safely and to communicate with neighbors. The ability to walk around the neighborhood kept them in contact with other residents.

2. The importance of sidewalk maintenance is a cost/risk evaluation. Along private road cul-de-sacs residents are prepared to walk the road rather than pay for additional plowing. Along through roads (the State/Town maintained road) the residents required maintenance, but there was a question of whether they would require maintenance if they had to pay for it. It cannot be confirmed that this applies to the wooded footpaths as the financial responsibility is not known.
3. The Board agreed with Mr. Barham and Mr. Karcz conclusion that from a Town Planning perspective perhaps a number of principles apply:
 - a. The provision of Pedestrian Walkways is an economic as well as a safety issue. It is fine to specify sidewalks for safety and convenience, but if the residents are not prepared to maintain them then it defeats the object.
 - b. The necessity for sidewalks adjacent to roads is a function of traffic. On roads with high vehicle traffic it is preferable to have sidewalks (for safety), but they should be easily maintained (especially if privately maintained). This equates to sidewalks being essential along thoroughfares, but optional along cul-de-sacs.
 - c. Sidewalk maintenance is particularly an issue where properties are located close to the road. In these instances sidewalks are located approximately 3' from the road and in wintertime snow from road plows accumulate. Maintenance of these sidewalks not only requires additional equipment, but takes longer because of the additional accumulation.
 - d. It comes down to requiring sidewalks where necessary for safety and ensuring they are designed to enable cost effective maintenance, especially if privately maintained. It also leads to the need to require sidewalks (where specified) to be maintained as part of the Site Plan Review process.

In respect to the Black Rock's Village it was the general consensus that any alteration to the approved plan will trigger an amendment to the approved Site Plan and the following recommendations were drawn:

1. The nature of this layout requires the majority of the sidewalks as approved from a safety standpoint.
2. The Board recognizes that sidewalks in close proximity to the road, as detailed in the approved plan present a winter maintenance issue because the sidewalks require a separate plowing operation.
3. An alternative is to replace the sidewalk and the grass verge separating the sidewalk from the road, with a single continuous pavement, the width of which will be equivalent to the original sidewalk and road combined. The purpose of this option provides safe pedestrian access and facilitates easy winter maintenance.
4. The Board has no objection to creating paved trails, but not as a substitute to sidewalks. This is an issue that Mr. Karcz will bring up for discussion at the next Conservation Commission Meeting.

Relative to the discussion of sidewalk maintenance, Mr. Roy noted that Article XVI-3, b of the Fremont Zoning Ordinance provides for "continuity of proper maintenance for those portions of the development requiring maintenance."

Impervious concrete for road construction was discussed and Mr. Karcz suggested that the Board could request it for this project.

Mr. Lewis will be contacted with the Board's recommendations and decisions and invited to meet with the Board again if he finds it necessary.

COMMUNITY ASSESSMENT REPORT

The Board reviewed the Town of Fremont Community Assessment Report that was distributed by Mr. West at the last meeting. This report includes an introduction. It also includes: Themes A – Community Infrastructure and Regional Co-operation, Goals and Findings; Theme B – Environmental Protection, Land Use and Open Space, Goals and Findings; Theme C – Downtown/Village Centers and Community Vitality, Goals and Findings; Theme D – Local Economy, Goals and Findings and the Summary.

Mr. West stated that this is a group of smart growth suggestions for the Town for the Board to look at and see how they will be implemented.

The Board agreed to pursue as goals the following key recommendations:

1. Continue with full update of Master Plan, and then develop ordinance and regulations to match that are not already in existence.
2. Adopt stormwater and erosion and sediment control Ordinance or Regulations
3. Develop Energy Conservation Action Plan.
4. Develop a sidewalk plan and Ordinance and Regulations that require sidewalks as proposed in the plan.
5. Take advantage of the existing plans to help determine areas to focus conservation and regulate development. These plans include the Wildlife Action Plan, the Coastal Conservation Plan and the Natural Services Network Plan.

MASTER PLAN

Natural Resources Chapter (NRI)

The Board continued their review of the draft of the NRI amendment for the Master Plan. Mrs. Bolduc reported that the explanation paragraph for table 1 and all updates to table 2 have been added.

The Board reviewed section 5.0 - Recommended Actions section. There was a conversation relative to whether the Conservation Commission recommendations should, or should not, be included in the NRI. After some review of the recommendations the Board agreed to ask the Conservation Commission to clarify the following:

Under Water Resources – Wetlands

- Strengthen local land use regulations to increase protection around wetlands, including vegetative buffers around wetlands.
- Protect wetland “clusters”.

Under Water Resources – River and Stream Corridors

- Insure enforcement of the NH Shoreland *Comprehensive* Protection and ~~Rivers~~ Protection Act.
- Expand perennial stream buffers from a 100 foot naturally vegetated buffer to include all of the 100 year floodplain, steep slopes and freshwater wetlands near the stream.

Under Water Resources – Drinking Water Supply and Groundwater

- Ensure strict enforcement of septic system design to prevent future septic failures. There have been several *premature* septic system failures in Tuck Woods.

Under Wildlife Habitat

- Minimize the effect on the ecosystem.

Under Soil Conservation

- Rotate crops yearly to prevent nutrient depletion.

Under Scenic Resources

- *Identify and* protect historic trees.

Mr. Barham stated that this will be further reviewed at an upcoming meeting.

Community Facilities Chapter

Mr. West stated that he has received all of the information and will have a draft for the Board next week.

Housing Chapter

Mr. West stated that the application to CTAP has not been approved because there is some confusion at CTAP as to whether this use of funds would be acceptable, but neither has it been denied. He suggested that an option is to amend the TBG contract to be a Housing Chapter and then apply to CTAP for the Land Use. It was the consensus of the Board that Mr. West pursue this avenue if it is necessary. Mr. West said that the first option is to swap the funding. Second option is to amend the application to make it more CTAP friendly. He agreed to contact CTAP to find out what can be done for the application to be acceptable.

Mr. West reported that the OEP is accepting applications for Housing and Conservation Planning Program Grants. This new grant program enables municipalities to purchase technical planning assistance in order to plan for housing and conservation through a unified approach. One of the phases of this program is to review housing and conservation planning. Mr. Karcz said that he understands this has to do with restoration of old building such as old mills, etc. Mr. West agreed to look into this program.

Implementation and Action Plan Chapter

Mr. West was directed to apply to CTAP for \$1,500 to create an Implementation and Action Plan Chapter of the Master Plan at the last meeting. Mr. West stated that he feels this should not be done until he can find out what the problem is with application to CTAP for Master Planning chapters. The Board agreed.

Energy Committee

Mr. Barham stated that he is scheduled to attend the Energy Committee's March 18th meeting relative to documentation for inclusion in the Master Plan and will report back to the Board with the results of that meeting.

FLOOD ZONE/AQUIFER/FLOOD MAP

Mr. West submitted the new Flood Zone/Aquifer Protection Map overlaid with the zoning districts.

PJP

Map 2 Lot 151.2

Mr. Holmes stated that he was contacted by Dan Olson of PJP relative to the Boards requirement for test pits at the site of his gravel operation. He was concerned that the area he is working in is all ledge so he cannot dig a test pit. It was agreed that Mr. Olson be contacted to remind him of the Boards previous decision that a benchmark is acceptable in lieu of test pits when necessary.

SITE PLAN REVIEW REGULATIONS

The Board reviewed section 1.18-E of the Site Plan Review Regulations which states " Road Agent All Town and/or Town Engineer activities and cost shall be reimbursed to the Town of Fremont at the then going rate for such service within the Town." Town Administrator Heidi Carlson has suggested adding "All Engineer fees shall be paid directly to that firm". There was some concern about the applicant paying the Town Engineer and relative to whether the Town would possibly lose leverage with the Engineer because of it or if the Town should pay the Engineer direct. Mrs. Bolduc reported that she has spoken with Heidi who said the only way to have the Town pay the Engineer directly is for the Planning Board to create a line item in their budget substantial enough to cover any/all Engineering fees. If the Board created a line item they would need to estimate the cost for the entire year, if it was not used the risk would be that the Budget Committee would not approve it for another year and if the cost should go over the line item amount there would need to be, at a minimum, a Public Hearing held by the Selectmen as per RSA 31:95-b to expend unanticipated funds. There would still be an escrow required. Having the applicant pay the Town Engineer has worked well for some years, but the line item could work as well.

It was a general consensus of the Board that the Town Engineers are representing the Town so it should be the Town who pays them. Mr. West agreed to find out what other towns with RPC do relative to Engineer fees. Following a conversation relative to whether the Town Engineer should be paid by the Town or directly by the applicant, there was a general consensus of the Board that it is too late for 2008, but they would create a budget line item for Engineer Fees for the 2009 Planning Board budget.

The following Site Plan Review Regulation amendment was agreed upon to put forth for acceptance at a Public Hearing:

1. Section 1.18-E: ~~Road Agent All Town and/or Town Engineer~~ activities and cost shall be reimbursed to the Town of Fremont at the then going rate for such service within the Town.

Mr. Barham stated that the Site Plan Review Regulation amendments will be further discussed at a future meeting.

MEETING SCHEDULE CHANGE

During a previous discussion Mr. West requested that the Board consider not meeting on the second week of the month as that is when the Rockingham Planning Commission meets which sometimes results in a conflicting schedule for him. The Members agreed to meet on the first Wednesday the month and not the second so that the Planning Board meeting schedule will be the first, third and fourth Wednesdays of each month beginning in April. This is subject to modification in the summer months.

CORRESPONDENCE

1. The Board received a thank you from the American Heart Association for their donation in memory of former Planning Board Chairman Larry R. Stilwell. Mrs. Bolduc reminded the Members that Larry's memorial service is Saturday March 15, 2008 at 10:30 pm at the Manchester Christian Church.
2. A March 11, 2008 correspondence from Town Administrator Heidi Carlson to Tom Avalone of Cobb Hill Constriction relative to road acceptance criteria for Rislove's Way in the Spruce Hill Development.

Mr. Karcz made the motion to adjourn at 10:15 pm.

Motion seconded by Mr. Holmes with unanimous favorable vote.

Respectfully submitted,
Meredith Bolduc, Secretary